Supreme Court, U.S.
FILED
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No._____

IN THE
SUPREME COURT OF THE UNITED STATES

HARINDER JEET SINGH - PETITIONER
VS
U.S. SECURITY ASSOCIATES, INC - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT (NY)

PETITION FOR WRIT OF CERTIORARI

HARINDER JEET SINGH

P.O. BOX-721025

JACKSON HEIGHTS, NEW YORK – 11372

1347-247-1015

INTRODUCTORY STATEMENT:

On 3/24/03 I filed a complaint with the United States district court (Southern district of New York) about employment discrimination against the defendant. After going through proceedings, defendant filed motion for summary judgment. I replied in opposition under oath with all evidences which the court missed and overlooked. Hon. Magistrate Judge dismissed my complaint on 1/31/05. I filed an appeal with the United States court of appeals for the second circuit where also the court missed and overlooked the information I supplied with references to the record. On 10/14/05 court affirmed the district court decision. This is to my utmost surprise that my case was in courts for long-long period of time and still the courts missed and overlooked the information contained in the record. Three open fire safety director positions were filled and I was discriminated by the defendant as the position was not given to me as I was the senior most in service with all required paperwork and even the fourth open position was filled. I was denied the position. All positions filled were given to Blacks, not to me because of my race, color, and national origin (Indian). I won the arbitration and the defendant gave me the position after the expiration of the award which was later taken away from me when the defendant forcibly terminated my 5 years and app. 7 months of employment in a cruel manner on 4/21/04. I suffered severe emotional distress and at present suffering from severe depression and under the treatment by the doctor.

QUESTIONS(S) PRESENTED

(1) Regarding open fire safety director positions all information which I supplied with concrete evidences in my motion in opposition to defendants summary judgment was missed and overlooked by the courts. (With the

reference to record to that motion pages 3 item#6 to page 30 first paragraph all exhibits mentioned there in are in the record).

(2) In the said motion I supplied excerpts of the deposition of the witnesses, contradictions of the statements, defendants all lies and falsifications, response of interrogatories, lies and falsifications of the individuals who got fire safety director (FSD) positions during depositions, fraud experience given by the then operations manager David Morales of the defendant to Brunel Alfred to whom second(FSD) position was given. During depositions answer's given by the defendant's attorney Michelle S. Harkavy to cover up the lies of witnesses, other concrete evidences deposition of Fire Dept. representative, all were missed and overlooked by the courts. (Detailed explanation contained in my motion in opposition to defendants summary judgment pages 3 item #6 to page 30 first paragraph with reference to all exhibits in the record mentioned therein).

(3) Fraud done by human rights specialist I. (William F.Marshall and human rights specialist II. M.Leona James) when I filed a complaint with the Dept. on 6/11/02. They set forth all false statements in the investigation summary and did everything in the favor of the defendant. Real facts were not mentioned. This was done by him in conspiracy and understanding with defendants Attorney Michelle S. Harkavy who was present in the conference. I requested court to take action against these human rights specialist for their biggest fraud, which the courts missed and overlooked. I took deposition of William F.Marhsall where I uncover his fraud when he said I never submitted any statements and evidences to the Dept. I obtained evidence from the Dept. about the same. My statements and evidences were disappeared from their records. Both the said specialist are Blacks also. (Detailed explanation contained in my motion in opposition to defendants

summary judgment page 30 item#9 to page 37 first paragraph with reference to all exhibits in the record mentioned therein).

(4) The EEOC issued a right to sue letter based on this fraud decision of the state dep. Of human rights and further I filed a complaint in the Federal Court.

(5) When Federal court did not take no action, I further filed a complaint with the State of New York office of the Inspector General OSIG complaint #0116-016-2005 after reviewing it was forwarded to deputy commissioner Michelle Heitzner of (SDHR) who issued a letter that she is unable to conclude about the fraud and leaving the question of discrimination to the Federal court to decide. I submitted these letters of the authorities to the court of Appeals second circuit but the court missed and overlooked. Still issues are pending with the authorities because suitable action was not taken against the human rights specialists for the fraud they committed. State dept. of human rights indulged in a cover up operation. So the court of appeals decision is wrong because they say I did not point anything to the record in support which I did the same with evidences which the courts missed and overlooked. This does not satisfy the judgments. (Detailed explanation contained in my brief for pro-se Plaintiff-Appellant page 27 first paragraph with reference to the record). Two letters of authorities please see exhibits 51 and 52 attached with that brief.

(6) The defendant used the fraud decision of the State division of human rights in their motion for summary judgment.

(7) The decision of the court of appeals is wrong as I submitted all evidences regarding the fire safety director positions to the Federal court which were denied to me as the facts are stated above which the court missed and overlooked. I described in detail to court of appeals in my

brief for pro-se plaintiff-Appellant page 37 item#5 which the court missed and overlooked.

(8) Fraud done by "Mary A. Pavlik" court reporter and Notary public when she took my deposition on 10/16/03 and falsified in the transcript. This was done with the understanding of the defendants counsel Herbert E.Gerson as it was a set up deposition, the way they wanted so that could help them in the lawsuit. This was done to cover up the heights of discrimination the defendant did against me. I brought this to the notice of district court Hon.Mag. Judge Frank Maas who told me write about it as it a very serious charge and they will make them out of business. I did write the same but nothing was done in regards to that. Detailed explanation can be seen about Mary A.Pavlik in my motion in opposition to defendants summary judgment pages 37 item#10 and page 38 which the previous courts missed and overlooked. I also mentioned the same to court of appeals in my brief for pro-se plaintiff-appellant page 20 second paragraph which the court missed and overlooked. It was used by the defendant in their motion for summary judgment. When the district court did not do anything I filed complaint with the State of New York department of State which clearly stated in their letter that when my deposition was taken she was Mary.A.Pavllik not commissioned as a Notary Public as what she claimed fraudulently with her signature. I also obtained a certified letter from the New York State Education Department stating of no record in the name of Mary Pavlik as having received a license to practice certified shorthand reporting from the New York State Education Department. She claimed the same fraudulently with her signature. I submitted all these documents in exhibits 50 of my brief for pro-se plaintiff-appellant to the court of appeals which they missed and overlooked. Court of appeals decision is wrong because it says it was not raised before the district court. In fact I did raise and explained in detail to the district court as

stated above. This does not satisfy the judgment. (Please see exhibit 50 in brief for pro-se plaintiff-appellant for documents). Only recently State of New York Dept. of State issued a written admonishment and warning to Ms. Pavlik for the fraud she committed in their letter dated January 12, 2006.

(9) As I wrote to district court about the misrepresentation of the defendants leading attorneys Herbert E. Gerson and Michelle S. Harkavy but the court did not do anything. Their misrepresentation is also mentioned in page 3 to 30 in between in my motion in opposition to defendants summary judgment with exhibits mentioned therein.

(10) Regarding right to sue letter issued by EEOC dated 03/04/05 about my termination I obtained information from the court that it has to be filed separately which I did and case is pending in Federal court with#05CV5333, Also the district court judgment order was dated 02/02/05 and I received the EEOC's right to sue letter on 03/04/05. So the court of appeals decision is wrong as it stated that I did not submit the right to sue letter to district court. Please see exhibit 56 attached with my brief pro-se plaintiff appellant.

(11) Herbert E. Gerson falsified under oath in front of Hon.Mag.Judge Frank Maas about when the fire safety director positions were given. Please see detailed explanation on page 22-2nd paragraph to page 23 with reference to brief for pro-se plaintiff appellant.

(12) I suffered Emotional distress for years because of defendants discriminatory actions against me and it rose to the height that at present I am suffering from severe depression and under the treatment from the doctor which is getting close to one year. I wrote to district court and even court of appeals missed it and overlooked. Please see page 13 second paragraph and page 17 second paragraph with reference to brief for pro-se plaintiff appellant and exhibit 54 attached to it

(13) When I was ready to take depositions of the witnesses which was held on November 13, 2003 Right before in a telephone conversation, leading attorney of the defendant Michelle S. Harkavy told me she doubt if I could get 100 thousand dollars in the case but she is willing to pay me 50, 000 dollars, I told her the way I suffered if they amicably pay for the damages they should have a conference with the Hon.Judge. This was happened when I was working as Fire Safety Director with the company. Instead of having a conference after putting a gap of couple of months they forcibly terminated my employment and ruined my employment history and livelihood.

(14) Lower courts decisions were very unfair, unjust and prejudicial to me as most of the information and concrete evidences which I submitted which are in the record were completely ignored.

I. LIST OF PARTIES

(X) All parties appear in the caption of the case on the cover page.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT FO CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

IV. OPINIONS BELOW

(X) For cases from Federal Courts.

The opinion of the United States court of appeals appears at Appendix A to the petition and is

(X)unpublished

The Memorandum decision of the United States District Court appears at Appendix B to the petition and is

_____.

V. JURISDICTION

(X) For cases from federal courts:

The date on which the United States court of appeals decided my case was 10/14/05.

VI. STATEMENT OF THE CASE

It is a case of employment discrimination based on race, color, national origin and retaliation by the defendant:
(1) Previously I filed a complaint with EEOC #160 A1-0413 on 11/20/00
(2) EEOC got a settlement agreement for the said charge which was settled with award of back pay on 01/17/01
(3) Later on the defendant violated the item#4 and 6 of the settlement agreement and did a breach of the agreement and engaged in ongoing discrimination and retaliation one after the other until when they forcibly terminated my 5 years and app. 7 months of employment in a cruel manner. For detailed explanation of all the actions please see page 7 to page 10 in reference to my brief for pro-se plaintiff appellant with all exhibits mentioned therein which are in the record.

(4) With the forcible termination by the defendant I am left with no reference and I am still unemployed and passing through a very difficult time as I support my family and my little son. The act of the defendant had a crushing impact on me and my family as it was done for no reason at all. My employment history and my livelihood is completely ruined by the defendant.

(5) Suffering from severe depression and under the treatment by the doctor which is getting close to one year.

(6) Detailed explanation of all discriminatory actions against me by the defendant please see "questions presented" section of this petition for writ of certiorari with all references to the record and exhibits mentioned therein which the previous courts missed and overlooked where fraudulently acts were committed by the individuals in doing and cover up of the heights of discrimination the defendant did against me

(7) For retaliation please see pages 7 to 10 in my brief for pro-se plaintiff appellant with reference to all exhibits mentioned therein which are in the record. So the court of appeals decision is wrong which said I did not point to the record.

(8) I submitted all concrete evidences to the court and the defendant failed to submit any evidences to support their side and hence involved in fraudulency and there is a genuine issue for trial.

VII. REASONS FOR GRANTING THE PETITION

(1) The previous courts missed, overlooked and ignored most of the information which I supplied under oath with concrete evidences which are in the record where fraud was committed by the individuals in doing and cover up of the heights of discrimination the defendant did against me. Please see detailed explanation in "questions presented" section of this petition for writ of certiorari with all references to the record and exhibits mentioned therein.

(2) I could get any punishment from this Hon.Court if any of my statements are not true.

VIII. CONCLUSION

The petition for a writ of certiorari should be granted

Respectfully submitted

Date: 3-16-06

GAETANO R. ANTONACCI
Notary Public - State of New York
No. 00-4518000
Qualified In Nassau County
My Commission Expires March 30, 2006

No._____

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HARINDER JEET SINGH - PETITIONER
VS
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PROOF OF SERVICE

I, HARINDER JEET SINGH, do swear or declare that on this date 3 - 17 -, 2006 as required by Supreme Court Rule 29 I have served the enclosed Petition for a writ of Certiorari Via CERTIFIED MAIL on 3-17-06

The names and addresses of those served are as follows:
HERBERT E.GERSON (ATTORNEY FOR DEFENDANT) 795 RIDGE LAKE BOULEVARD, SUITE-300, MEMPHIS, TENNESSEE-38120

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3 - 17 -, 2006

X _____
(SIGNATURE)